

App. F. IX-4

Previous References

1935.
(Left)

File No. 578-34

Serial Nos. 1

Letter References.

GENERAL AND REVENUE SECRETARIAT.

A. Manuscript.
Serial Nos. 272

Part B for January 1936.

SUBJECT.

Amendment in Mysore Religious and
Charitable Institutions & Regulation
1927.

Govt 44798 10-1-36

Compiled

WD 03607-GPB-22,500-2-8-35

Published by

Government of Mysore

Mysore Religious and Charitable Institutions
Regulation VIII of 1935

Mysore

REPLY

924.

OFFICE OF THE SECOND MEMBER
OF COUNCIL.

(To be written on this margin.)

NOTE.

Dated 11th February 1923.

5'339
11/2

+ Hago

1) Under Section 38^x (2) Muzrai Regulation an appeal lies to Government against any order passed by the Muzrai Commissioner, whereas under the Land Revenue Code, Section 210 (2) appeals lie to Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. This Section in the Muzrai Regulation leads to a number of petty appeals to Government, which it is desirable to stop. There will not be any real inconvenience to parties if the law is similar to Land Revenue Code as Government have the power of Review under Section 39.

Hago

2) The question of bringing the Muzrai Regulation - Section 38 (2) into line with the Land Revenue Code may be examined and a draft Amendment may be put up for consideration.

Chief Secretary,
with compliments.

pd
11/2

3)
22
4)
11/2

6) There ~~are~~ two files regarding amendment of the Mysore Regulation. One of these relates to amendments so as to provide provisions to impose terms on handing over papers to Hutt heads and to provide indemnity clause.

7) This file is herewith put

8) The other file relates to an amendment to bring Section 35(2) Appeal to Govt. in conformity with Section 210(2) d.R.C. so as to minimise the number of Mysore Appeals to Govt. This file has been referred to Law Section for favour of opinion as its details is awaited.

18/6 9) To Mr. J. S. Camp. Mysore

18/6/35
10) Sub for proposal
19/6/35

11) I meant this file which is rather urgent. Please expedite this

S/O
19/6
21/6

7193 834
p 834

924
19

3

General and Revenue
Secretariat.

[App. F. III-2]

File No. 58 of 1935

12) The Land Revenue code which relates to matters connected with the Land Revenue Administration, seems to confer many statutory rights and to impose many liabilities and these matters involve points of law as well as of facts. But cases coming up under the Muzrai Regulation, seem to involve mostly points of facts, and points of law only to a little extent, and at any rate not to the extent to which the Land Revenue code seems to involve.

13) A perusal of the Muzrai Appeal Register for the period from 1930-31 to 1934-35- may go to show that the number of Appeals that came up before Govt, was 21, 25, 36, 36 and 10 respectively and the average number of Appeals per year works up to 25. But the number of Appeals in the Revenue Section has gone up to about 200 per year.

14) In case the Section 34(e) of the Muzrai Regulation is to be amended as proposed, it is ^{supposed that} ~~probable~~ ^{that} there will practically be no Appeals to Govt and only Revision lies there under S. 39 of the Regulation.

15) Law Section may be considered the matter perhaps.

Dr. ^{MD}
12/6
(Law Sect.)

16) ^{18/6/35}

The delay in the
submit of this is
not satisfactory -
this should be explained
18/6/35

8 x sheet taken.

NOTE-Contn. Sheet.

Law 18/6

b)

7193

Amendments of Municipal Revenue Bill

File No.

of 1936

General and Revenue
Secretariat

17

It is very difficult to contend that there would be practically no appeals to go if sec 38(2) of the Muz. Ref. is amended on the line of sec 210(2) of the Land Revenue Code. Question of law also will be involved in very many cases of Muz. appeals. The proposed amendments under by the committee seems necessary.

276
Law

18

I think questions of law more often arise in municipal cases than in Rev. cases. To allow a third appeal as it were to go on mere questions of fact as is now the practice under sec 38(2) of the Muz. Ref. is, I think, unnecessary. It is very desirable to amend sec 38(2) to make it similar to sec 210(2) of the Land Rev. Code:

asst. Secy. Muz

with compts

19

Draft amendment as
originally by the members may
be put up.

100

21/6

21/6

20

A draft amendment with statement of objects and reasons is put up.

E

In this connection it may be said

that in Muz. appeals 13 of 33-34,

26 of 33-34, 27 of 33-34 & 5 of 34-35

5

which were heard by the members of Council
& in which no points of Law were involved
but based only on ^{mere} questions of fact, either
the orders of the Lower Court have been
turned down wholly, or the order modified
to some extent. In the face of the
proposed amendment, such cases
as those referred to above would not have
come up before the Govt. & the Just.
or the persons concerned would have
had to feel satisfied with the orders
of the M.C. Moreover the R.C. is
an ex-officio Muzrai Commissioner
(Vice Pres. of the Administration report
for 1922-23 reviewed with S-1 no. 863/
May 47-23-4 & 20.12.23), much
of his time being taken up for Revenue
work.

21) As regards Govt. having power of
review under Secⁿ 39 referred to in
the minutes of the meeting para 1
Supra, The power of Review arises
it is respectfully submitted ^{only} when
the affected persons ^{are allowed by the Reg^r to} prefer a
review before Govt. - whether there
will not be shut out from doing so
when the proposed amendment
is introduced is a matter for
consideration.

File No. of 193 General and Revenue Secretariat

Further it is very respectfully Subd
 persons affected by the order of the court in which they choose appeals
 that court, (on the Muzrai side) leaving
 the highest Court of Judicature in
 Muzrai matters, and with the amendment
 of the kind, they will not be deprived
 of the chance of seeking justice
 done to them is a matter for
 consideration.

22) If appd, the file may
 be refd. to Govt Advocate also for
 favour of his views — Subd
 with refce to para 9 supra
 13(4) This does not
 seem to be
 necessary 26/6

23) Draft Amendment
 with 8n of objects & reasons — (Page 2)
 Submitted for approval. 26/6/35

Gen: Secy)
 24) To be made into the Law Sec?
 True 26/6
 Law Secy) 27/6

GENERAL SECRETARY
 26 JUNE 1935
 481

25) The Statement of objects & reasons
 & the draft bill as proposed is, I
 think, all right, so far as the
 purpose in view now is concerned.

E 8

OFFICE OF THE
 SECOND MEMBER OF COUNCIL
 28 JUNE 1935
 No

Gen-Secy) 27/6

16) Ltr 27/6
 26) The Muzrai Law made committee 28/6
 27/6 28/6 29/6

For Disposal by Circulation.

No. C. 23

88

9 1935/6

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Amendment of Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation VII of 1927.

35. Circulated to the Members of Council.

By Order,

2nd August 1935.

K. Ch. on line
Chief Secretary to Government.

-809
2/8 First Member of Council.

by
2/8

921
2-8-35 Second Member of Council.

102
2/8

For favour of Final Note.
Second Member)

S. N. put up.

7-8-35

959
3-8

10
3-8-35

DEWAN)

6/8

Final Note signed by the Member
Has 5/8 put up. All 6/8

Subject.—

Amendment of Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation.

34. Under Section 38 (2) of the Muzrai Regulation, an appeal lies to Government against any order passed by the Muzrai Commissioner whereas under the Land Revenue Code, appeals lie to Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. The Section in the Muzrai Regulation allows a number of petty appeals on facts to Government, which it is desirable to stop. There will not be any real inconvenience to parties if the law is similar to Land Revenue Code, as Government have the power of review under Section 39. It is accordingly proposed to amend the Regulation so as to provide "that no appeal shall lie to Government from an appellate decision or order passed by the Muzrai Commissioner, except on a point of law or usage having the force of law."

35. The Dewan and the First Member of Council have agreed to this proposal, and it may be graciously approved.

J. N. Rajagopal
MEMBER OF COUNCIL.

Bangalore,
5th August 1935.

Submitted to His Highness.

36. I submit herewith a Final Note by the Second
Member of Council re: amendment of Section 38 (2) of
the Mysore Religious and Charitable Institutions Regulation,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

7-8-35

SUBJECT:- *Amendment of*
Sec: 38(2) of the Mysore
Religious and Charitable
Institutions Regulation of 1927

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

38. Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*
31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

A. Chandra
Chief Secretary to Government.

Through the Secretary to Government,

.....Department.

FIRST MEMBER OF COUNCIL.

len
12/8

SECOND MEMBER OF COUNCIL.

S/O
12/8
12/8
12/8

General Secy
with Comps.

12/8
13/8

1025
12/8

1147
12/8

101.4/

Bill to amend the Religious & Charitable Institutions Regs 1927

General and Revenue
Secretariat

File No.

58 of 1935.

[App. F. III-2]

Serial
No.

10 SEP 1935
244

Re subd with refer to para 41 with
draft Bill. The wording suggested
by the administrative Div is adopted.
The words 'appealable decision' are used
in the proposed clause while in
the later section (2) of sec 38 there
~~is~~ is the word 'order'. This makes
a difference & the additional words
proposed may perhaps be dropped.
Subd

Done
4/9

A draft Bill is for approval

(Gen Sec)
(2nd Member)

107/3/85

17/2
10/9

1/102
11/9
17/2, 3/9

18/9

Printed copy of Govt Business
is placed in file.

The file will be sent to the Registrar

Done
24/9

13/8/8
17/2

R.A. Sub

15) Religious and charitable institutions Res
10462/35
924

File No.

of 193 .

General and Revenue
Secretariat

108 Action has to be taken
to place the bill before the Representa-
tive Assembly and later before the
Legislative Council. (Vide items k),
l) and m) of G. M. No. P. 362-70
dated 16th July 1930th ^{Legis. 1-30-1} laying down the pro-
cedure to be followed when dealing with
fresh legislation). Action has to be taken
on the lines indicated above by the
Law Section to give effect to the
proposals contained in the Second
member's final note. (Vide paras 34
and 35 of the notes). May the file be
forwarded to the Protection Branch
(Law Section) for this purpose? sub-
mitted for orders.

M

30.9.35
The Protection
the Law Section
Yes please
8/99

Legis
100
1/10

~~The majority of members of the
tribunal~~
S.S.
10/10/35

Recd from the Branch 11/10/35
This is brought to
the notice of the
by the person
the thing. It may
I know if it is
from camp of the thing
It is sent to the
to-day
Right. It may be
with
11/10/35

Bill 6th amend

26-7-35

106

The Religious & Charitable Institutions Reg

General and Revenue
Secretariat

File No.

346

of 193

57.105/RL

[App. F. III-2]

Serial
No.

motion for passing the bill may
not be put off for a subsequent
meeting. Rules for orders.

Done
11/11

62 It is a small measure and may
be passed at one sitting. (No doubt there
was opposition in the R.A. but it was not
reasonable.

11/11

63 The following motions are suggested
(1) Motion that the Bill published
under Rule 8 of the Rules of
business be read in Council
(2) Motion that the Rules of business
be suspended & the Bill taken into
consideration at once without refer
to a Select Committee.
(3) Motion that the Bill be passed
over: the first time of Council
Second: the General Secy to Govt-

Done
14/11

Gen Sec) 15/11
18 November

14/11
15/11

GENERAL SECRETARY
15 NOV. 1935
1149

NOTE: Contn. Sheet. OFFICE OF THE SECRETARY TO THE LEGISLATIVE COUNCIL

16 NOV. 1935
2297

18 NOV. 1935

REPRESENTATIVE OFFICE for 2nd note)

16/11
16/11

18/11/35 Pmt. B. W. C.)

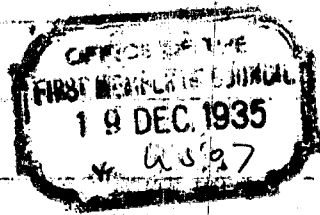
2687

Bill to amend the Mysore Religious & Charitable Institutions Regⁿ
File No. of 193 General and Revenue Secretariat

The Bill was read in Council at the meeting held on 18-12-1935 and was considered & passed.

The file may be sent to H.E. for sanction for promulgating the said Bill into Law.
D. & N. Sood

Done
19/12



(18 Member)

Ce
19/12/35

Final Note signed by the Member is put up.

40
20/12

Shw
20/12

Ans

Sewan)

Md

23-12-35

20.

Final Note by the First Member of Council.

Subject.—

Bill to amend the Mysore Religious and Charitable
Institutions Regulation, 1927.

Page 11 of
Office Notes

Gracious sanction of His Highness was accorded in August 1935 to place before the Representative Assembly a statement of general principles of a Bill to amend Section 38 of the said Regulation so as to provide that no appeal shall lie to Government from an appellate decision or order passed by the Muzrai Commissioner, except on a point of law or usage having the force of law.

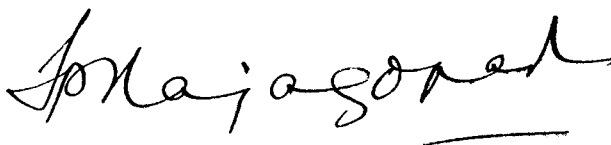
N

The statement was discussed by that body during the Dasara Session but did not meet with their approval. Having regard, however, to the desirability of the change intended to be secured by the measure, the Bill was introduced into the Legislative Council at the meeting held on the 17th of December 1935 and was considered by that body and passed.

S

I now solicit gracious sanction of His Highness to promulgate the said Bill into law.

Bangalore,)
20th December 1935.)


MEMBER OF COUNCIL.

Record of Cases submitted for the Orders of
His Highness the Maharaja.



Subject.

Promulgation into law of the Bill
to amend the Mysore Religious and Charitable Institutions Regulation, 1927.

C. Sanyal
M.D.
24-12

335

Order.

~~KRUH~~
27/12/35

2687
pt 351
23

SUBJECT:- Promulgation
into law of the bill
to amend the Mysore
Religious and Charitable
Institutions Regulation,
(1927)

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His
Highness' orders before/after issue of orders. (Vide Rules
31, 33 and 34 of the Subsidiary Rules for the conduct of business of
Council in the Manual of Council Rules and Procedure.)

[Signature]
Chief Secretary to Government.
28.12.35

Through the Secretary to Government,

..... Department.

FIRST MEMBER OF COUNCIL. (on leave)

SECOND MEMBER OF COUNCIL. *Nil*

35 1435

Prodr.
[Signature]
30/12

6

5042
28/12

III. STATEMENT OF GENERAL PRINCIPLES OF THE BILL
TO AMEND THE BY-LAWS RELIGIOUS AND CHARITABLE
INSTITUTIONS ACT 1927.

The GENERAL SECRETARY TO GOVERNMENT (Mr. H.V. RAMASWAMY) explained the general principles of the bill as follows:

Mr. C.K. NARAYANAN observed that he found it difficult to give his support to the measure. In the first place enquiries by rural authorities would not be so complete as those by revenue authorities. They would generally be summary in their nature since there would be barely any witnesses examined, statements recorded or cross-examination conducted. At any rate in cases of this kind, the rural institutions or other parties had now an opportunity to get redress by means of appealing to the Government not only on points of law but also on points of fact. It was not desirable to curtail this privilege and make the appeal to lie before Government only on points of law. No doubt Government would continue to exercise revisionary powers, but in his opinion that would not be enough. In the interests of the rural institutions or other parties themselves, it would be better for the Government to continue to have appellate jurisdiction even on

even on points of fact. He therefore requested Government not to press the measure.

Mr. Belur SRINIVASA IYENGAR said that he did not know what section of the Religious and Charitable Institutions Regulation corresponded to section 217 of the Land Revenue Code which gave revisionary powers to Government. It had been stated that section 89 gave revisionary powers to Government. But he for one thought that that was not a proper analogy. Under section 88(2) of the Regulation, at present an appeal lay before Government against every order passed by the Muzrai Commissioner. He asked why this should not continue to be the procedure in future also. It might be that the entertainment of appeals even on points of fact would entail unnecessarily heavy work on Government. But that ~~was~~ could not justify the withdrawal of the right of appeal which to Muzrai institutions was very often a valuable privilege.

Messrs. Talur SUBRAHMANYA and H. S. PANNABASAPPA endorsed the above view. They added that there were many instances in which Government reversed the decisions of Muzrai authorities, which showed that institutions as well as individuals would sometimes not get justice if the right of appeal was denied to them.

Mr. P. SETHUPATHI also endorsed the above view. He added that especially as the Muzrai institutions could not go civil courts in appeal against orders of Muzrai authorities, it would not be fair to prevent them from approaching Government also. And he wanted, notwithstanding the work that may entail on Government, that appeals should lie on points of law as well as on points of fact. In fact, he considered

considered that points of fact were sometimes more important than points of law. In this view he requested the Government to withdraw the measure.

The ~~SECOND MEMBER OF COUNCIL~~ (Rajamantrapravina S.P. RAJAGOPALACHARI) in replying to the debate observed that he felt surprised at the extent of opposition to a simple measure like this. The main object of Government in bringing forward the measure was to amend section 38(2) of the Mysore Religious and Charitable Institutions Regulation in conformity with the provisions of section 210(2) of the Mysore Land Revenue Code, so that only on points of law would appeals to Government lie and not on points of fact also as at present.. This had become necessary in view of a large number of petty appeals entailing heavy work on Government. Many questions which the Land Revenue Code contemplated would not arise under the Muzrai Regulation, so that its administration was comparatively a very simple matter. And even under the Land Revenue Code, orders passed by the Revenue Commissioner were treated as final so far as points of fact were concerned. It was only on points of law that an appeal lay to Government.. So, there would be no harm done to anybody if in muzrai matters also no appeal was provided for on points of fact. It was not as if there should be no appeal at all to Government, because on points of law ~~many~~ appeals would surely be. If they were allowed on points of fact also, there would be too many petty appeals to Government on various simple matters and it might take years together for every such matter to be finally disposed of. That would mean considerable waste of time and unsettlement both to Government and the parties concerned.

Some MEMBERS requested information as to the number of appeals usually coming up before Government every year.

Mr. S.P. RAJ'GOPALACHARI replied that there were as many as 40 to 50 cases per year. And even if the points involved were very simple, all the procedure prescribed for the disposal of appeals had to be gone through and the present experience was that nearly two years elapsed before final orders were passed in any case. Even apart from this last stage of the case, it was very necessary to remember that this would by no means be the first appeal. To begin with there would be an appeal against the orders of the Amildar before the Sub Division Officer, then against the Sub Division Officer's orders before the Deputy Commissioner, then again against the Deputy Commissioner's orders before the Muzrai Commissioner, and so the very first appeal before the Government would be the fourth appeal. Where then would there be anything like finality? If appeals even on points of fact were to be entertained endlessly, it would be a thing which no civilized Government could countenance.

Some of the previous speakers had said that enquiries by muzrai authorities would be summary trials and not formal as in the case of appeals under the Land Revenue Code. In reply to that he would say that according to section 37 of the Muzrai Regulation, in all important cases the enquiry should be conducted by muzrai officers in a formal manner. After all, revenue officers who dealt with matters ^{revenue} were themselves the ex officio muzrai officers entrusted with the duty of disposing of muzrai appeals, so that

that if they could do full justice to revenue appeals the apprehension that inquiries in muzzrai cases would not be held equally thoroughly would not be warranted.

Mr. S.K. V. VENKATARAMA IYER interrupting observed that at present parties had the scope to go to civil courts in appeal in all revenue matters except in respect of kandyam suits and in respect of such matters it did not matter whether a right of appeal before Government was provided or not. But in muzzrai cases, such appeal was necessary unless it was proposed to retain appellate jurisdiction in Government's own hands.

The DTAN observed that there need be no hesitation on the part of members in giving support to the measure under discussion. Then the principle of decentralisation of powers was being extended, Government did not consider it necessary to retain appellate jurisdiction in their own hands. It was proposed to retain appellate powers only on points of law.

Mr. S.P. RAMASWAMI ACHARY continuing observed that notwithstanding the provision under discussion Government would continue to have revisionary powers which they could exercise in particular cases of hardship.

There was another point to be considered. At one time there was no Muzzrai Commissioner or Revenue Commissioner, so that, even on points of fact appeal lay only to Government. But, after the appointment of the Revenue and Muzzrai Commissioners, there was

was decentralisation of powers and appellate jurisdiction was also given to him. It was really not necessary therefore that Government should also exercise the same appellate jurisdiction on points of both fact and law. Decision on points of fact was a duty which could very well be performed by the Muzrai Commissioner so that it was unnecessary that they should again be gone into by Government. Otherwise, the very object of appointing a Muzrai Commissioner would be frustrated.

MR. P. MADHAVA GOUDA observed that there were many important matters pertaining to religion which affected the rights of communities, such as the appointment of matadhipathis, and in respect of such matters it was necessary for Government to retain appellate powers even on points of fact.

The MURAI COMMISSIONER (MR. H. MADHAVA RAO) ~~replied that such cases would be regulated by usage.~~ replied that such cases would be regulated by usage.

MR. M.P. MANOJALINGU said that the present measure referred to appeals on trivial matters like the loss of temple lands etc., and that it was thought not worthwhile to retain appellate jurisdiction in such cases in the hands of Government.

At this stage, the general principles of the bill were put to vote and lost by a majority.

The SPEAKER announced that there would be no sitting of the House in the afternoon as the Hall had to be placed at the disposal of the University authorities for holding the Convocation the next morning, for which

which special seating arrangements had to be made immediately.

The House then adjourned for lunch to meet again at 12 of the o'clock the next day.

Statement furnishing the required information in re: The many-appeal Cases for the period three years commencing from 1932-1933 to the end of 1934-35.

1932-33 -

Number of cases received: — 36

Number heard & disposed of: — 9

Number disposed of without hearing: — 26

Number pending

1 (Hearings & additional information Calendar).
Mr. Tiruvai Mudi Ramanujachar Vs Sri Parthathi Mutt.

1933-34

Number of Cases received: — 37

Number heard & disposed of: — 16

Number disposed of without hearing: — 20

Number pending: — 1 (This is ^{ordered to be} posted for hearing).

1934-35

Number of cases received: — 23

Number heard & disposed of: — 3

Number disposed of without hearing: — 14

Number pending: — 6

1 case heard & order awaited.

{ 3 ordered to be posted for hearing

{ 1 heard & adjourned.

1 Record received & sent for order —

95 14-12-35

Sd/- 88
14/12/35

TITLE OF GENERAL PRINCIPLES.

Bill to amend the Mysore Religious and
Charitable Institutions Regulation, VII of 1927

Under Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation, VII of 1927, an appeal lies to the Government against every order passed by the Muzrai Commissioner, whereas under section 210 (2) of the Mysore Land Revenue Code, 1900, appeals lie to the Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. This section in the said Regulation, VII of 1927, is found to lead to a number of petty appeals on facts to the Government, which in their opinion is not desirable. It is therefore proposed to amend it suitably in conformity with the provisions of section 210 (2) of the Mysore Land Revenue Code. Such an amendment will not cause any real inconvenience to parties concerned as the Government have powers of revision under section 39 of the Regulation VII of 1927.

General Principles
STATEMENT OF OBJECTS AND REASONS.

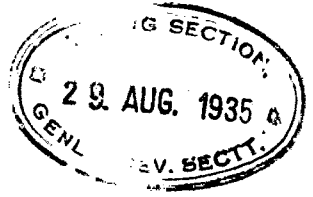
A Bill to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927

~~Amendment of S. 38 (2) of Regulation VII of 1927.~~

Religious and Charitable Institutions Regulation, VII of 1927 (~~Flag I~~) an appeal lies to ^{the} Government against every order passed by the Muzrai Commissioner, whereas under Section 210 (2) of the Mysore Land Revenue Code, 1888, appeals lie to ~~the~~ Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. This section in the said Regulation, VII of 1927 is found to lead to a number of petty appeals on facts to ^{the} Government, which in their opinion is not desirable. It is therefore proposed to amend it suitably in conformity with the provisions of ~~Sections~~ ^{Section} 210 (2) of the Land Revenue Code, (~~Flag W~~) ^{such} an amendment ~~will~~ ^{will} not cause any real inconvenience to parties concerned as ^{the} Government have powers of revision under Section 39 of the Regulation VII of 1927.

Please type 4 copies as corrected here

29/8



The proposed amendment/ Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation VII of 1927 is as noted below. -

" No appeal shall lie to Government from an appellate decision or order passed by the Muzrai Commissioner except on a point of Law or usage having the force of Law".

5 to be...

A Bill to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927.

PREAMBLE.

Whereas it is expedient to amend the Mysore Religious and Charitable Institution Regulation, VII of 1927; It is hereby enacted as follows:-

SUBSTITUTION OF A
NEW SUB-SECTION FOR
SUB-SECTION (2) OF
SECTION 38.

The following shall be substituted for sub-section (2) of section 38 of the said Regulation:-

"An appeal will lie to the Government against every order passed by the Muzrai Commissioner provided that no such appeal shall lie to the Government from an appellate decision passed by the Muzrai Commissioner except on a point of law or usage having the force of law".

Cl
10/9/85

Statement of Objects & Reasons
[then enter from 4 May R

Under Section 35(2) of the Mysore
Religious and Charitable Institutions Regula-
tion VII of 1927 ^(Amended) an appeal ~~does~~ lie to Govt.
against every order passed by the Mysore
Commissioner, whereas under Section 210
(2) of the Mysore Land Revenue Code 1882
appeals lie to Government from an appellate
decision or order passed by the Revenue
Commissioner, only in cases involving
points of law. This Section in the Mysore
Regulation VII of 1927 is found to lead to a number
of petty appeals ^{on facts} to Government, which in
their opinion, it is ^{not} desirable to stop by
amending it suitably in conformity
with the provisions of Section 210(2) of the
Land Revenue Code ^(Amended). Such an amendment
will not cause any real inconvenience
to parties concerned as Government have
power of Revision under Section 39 of the
Mysore Regulation VII of 1927.

The proposed amendment

It is therefore proposed to amend
Section 35(2) of the Mysore Regulation VII of 1927 as
noted below.

"No appeal shall lie to Government from
an appellate decision or
order passed by the Mysore Commissioner
this Regulation except on a point of law or
usage having the force of law"

MS
21.6.35

21/6/35

Mysore Religious &
Charitable Institutions
Regulation of 1927

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NOTIFICATION.

No. 1630—L. C., dated 4th November 1935.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927, is published for general information with the statement of objects and reasons.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Bill to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927.

Whereas it is expedient to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927 ; It is hereby enacted as follows :— Preamble.

The following shall be substituted for sub-section (2) of section 38 of the said Regulation :— Substitution of a new sub-section for sub-section (2) of section 38.

“ An appeal will lie to the Government against every order passed by the Muzrai Commissioner, provided that no such appeal shall lie to the Government from an appellate decision passed by the Muzrai Commissioner except on a point of law or usage having the force of law.”

STATEMENT OF OBJECTS AND REASONS.

Under Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation, VII of 1927, an appeal lies to the Government against every order passed by the Muzrai Commissioner, whereas under Section 210 (2) of the Mysore Land Revenue Code, 1888, appeals lie to the Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. This section in the said Regulation, VII of 1927, is found to lead to a number of petty appeals on facts to the Government, which in their opinion is not desirable. It is therefore proposed to amend it suitably in conformity with the provisions of Section 210 (2) of the Mysore Land Revenue Code. Such an amendment will not cause any real inconvenience to parties concerned as the Government have powers of revision under Section 39 of the Regulation, VII of 1927.

THE MYSORE REPRESENTATIVE ASSEMBLY.

DASARA SESSION—OCTOBER 1935.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I. Statement of General Principles of the Bill further to amend the Mysore Land Revenue Code, 1888.

Under Section 179 of the Mysore Land Revenue Code, 1888, it is obligatory on the part of the person declared to be the purchaser at revenue sales to deposit immediately twenty-five per cent of the bid amount, and under Section 180 of the said Code, he is required to pay the balance before sunset of the fifteenth day from that on which the sale took place. In some cases the purchasers are the persons for whose benefit the sales are held. For example, the sale may be on account of arrears due to a Co-operative Society or to an Inamdar from his tenant. At present, no option is allowed by the Code to set off the purchase money against any amount due to the purchaser himself from such sale proceeds. This is likely to work as a hardship. It is, therefore, proposed to amend the Land Revenue Code by the addition of a new Section 180-A on the lines of the rules contained in the Civil Procedure Code in the matter of allowing a concession of set off when the decree-holder purchases the property in a Civil Court sale.

II. Statement of General Principles of the Bill further to amend the Mysore Police Regulation V of 1908.

Under Section 56 (a) of the Mysore Police Regulation, 1908, whoever drives along or keeps standing in any street a vehicle of any description at any time between half an hour after sunset and one hour before sunrise, without a sufficient light is liable to be punished. Dragging or pushing a vehicle without a light does not come under the scope of this section as it cannot be termed driving. It has been brought to the notice of Government that carts without lights pushed by hawkers or coolies are commonly found in the busy roads of the cities thereby causing serious nuisance. The bill is intended to amend the Regulation so as to make the act of pushing or dragging a vehicle without lights half an hour after sunset and one hour before sunrise, an offence under the Regulation.

Agree to & Resolved

III. ~~Statement of General Principles of the Bill to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927.~~

Under Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation VII of 1927, an appeal lies to the Government against every order passed by the Muzrai Commissioner, whereas under Section 210 (2) of the Mysore Land Revenue Code, 1888, appeals lie to the Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. This section in the said Regulation, VII of 1927, is found to lead to a number of petty appeals on facts to the Government, which in their opinion is not desirable. It is therefore proposed to amend it suitably in conformity with the provisions of Section 210 (2) of the Mysore Land Revenue Code. Such an amendment will not cause any real inconvenience to parties concerned as the Government have powers of revision under Section 39 of the Regulation, VII of 1927.

IV. Statement of General Principles relating to the amendment of the Food Adulteration Regulation.

The question of amending the Mysore Prevention of Adulteration Regulation so as to provide for the addition of a section prohibiting the colouring, mixing, and staining of food stuffs by deleterious matter has been under the consideration of Government for sometime past. Provision for this in Bombay Act V of 1925 and the Director of Health has recommended the addition of a similar clause to the Mysore Regulation. It is proposed to introduce a similar provision into our Regulation.

V. Statement of General Principles of the Bill pertaining to Partnership in Mysore.

The law relating to partnership is contained in the Indian Contract Act, 1872, as in force in Mysore. The inadequacies contained therein have been recognised for a long time and the provisions relating to partnership were left un-noticed in Chapter XI of the Indian Contract Act. In the absence of clear and definite provisions, the development of trade and business has been hampered, which legislation is required. In the absence of clear and definite points, the Indian Courts have held that Chapter XI of the Indian Contract Act is not exhaustive and have relied on analogies drawn from other laws to remove these defects, a separate Act providing for a satisfactory law relating to partnership was passed in British India in 1932.

The Indian Partnership Act of 1932 as well as the Sale of Goods Act of 1930 (which has been recently adopted in Mysore) were drafted by a Committee of leading lawyers presided over by Sir B. C. Chaudhary. In their report on the Sale of Goods Bill, they observed.—

“When Sir James Stephen moved the Indian Contract Bill, he admitted that it was not and could not pretend to be a complete code upon the branch of law to which it related. He, however, expressed a hope that in later years it would be easy to enact supplementary chapters to the bill did not embody the different branches of law relating to self-contained enactments.”

The Sale of Goods Bill was the first of the series for the re-codification of the law and the Partnership Bill was the second.

The Indian Partnership Act is based upon the Indian Partnership Act of 1890 with deviations on some points in order to adapt it to the conditions of India or to supplement it in places where it is incomplete or defective in the view of authoritative commentators.

The law in Mysore, has however, remained the same since 1872, in spite of the fact that the development of trade and business in Mysore, as in British India, has shown further matters on which legislation is required. It has therefore become necessary, in order to keep the law of partnership abreast of the developments of modern business relations, to remove the defects by enacting a separate measure on the lines of the Indian Partnership Act of 1932.

The Bill repeals and supersedes Chapter XI of the Indian Contract Act. It makes considerable changes in definition and arrangement, giving effect to the mercantile practice and adds provisions for voluntary registration of firms.

Chapter I deals with preliminary matters and definitions.

Chapter II deals with the nature of partnership. It defines partnership as made applicable only to the relationship created by contract and not to that which arises from status; in particular, members of a Hindu undivided family carrying on a family business as such are excluded from the application of this law.

Chapter III deals with the relations of partners to one another. The Indian Contract Act, 1872, as in force in Mysore, dealt with them in Sections 322 to 327.

VI. Law regarding Partnership in Mysore.

Chapter XI of the Indian Contract Act contains provisions regarding partnership. In addition to these provisions, there are further matters on which legislation is required. The Indian Contract Act is not exhaustive and have relied on analogies drawn from other laws to remove these defects, a separate Act providing for a satisfactory law relating to partnership was passed in British India in 1932.

The Indian Partnership Act of 1932 as well as the Sale of Goods Act of 1930 (which has been recently adopted in Mysore) were drafted by a Committee of leading lawyers presided over by Sir B. C. Chaudhary. In their report on the Sale of Goods Bill, they observed.—

“When Sir James Stephen moved the Indian Contract Bill, he admitted that it was not and could not pretend to be a complete code upon the branch of law to which it related. He, however, expressed a hope that in later years it would be easy to enact supplementary chapters to the bill did not embody the different branches of law relating to self-contained enactments.”

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The law in Mysore, has however, remained the same since 1872, in spite of the fact that the development of trade and business in Mysore, as in British India, has shown further matters on which legislation is required. It has therefore become necessary, in order to keep the law of partnership abreast of the developments of modern business relations, to remove the defects by enacting a separate measure on the lines of the Indian Partnership Act of 1932.

The Bill repeals and supersedes Chapter XI of the Indian Contract Act. It makes considerable changes in definition and arrangement, giving effect to the mercantile practice and adds provisions for voluntary registration of firms.

Chapter I deals with preliminary matters and definitions. Chapter II deals with the nature of partnership. It defines partnership as made applicable only to the relationship created by contract and not to that which arises from status; in particular, members of a Hindu undivided family carrying on a family business as such are excluded from the application of this law.

Chapter III deals with the relations of partners to one another. The Indian Contract Act, 1872, as in force in Mysore, dealt with them in Sections 322 to 327.

252, 253, 256, 257, 258 and 259. The present Bill deals with these relations in fuller details.

Chapter IV deals with the relation of partners to third parties. This chapter is mostly taken up with the statement and development of the principle that each partner is the agent of the firm.

Chapter V collects together and sets out in a convenient form all rules relating to the coming in of a new partner and all rules relating to the going out of a partner in so far as these rules do not relate to the dissolution of the firm or to the consequences of dissolution.

Chapter VI deals with the dissolution of a firm and lays down that the dissolution of a firm means the dissolution of the partnership relation between all the partners of a firm, as distinguished from the severance of the connection of one partner with the firm through retirement, expulsion or insolvency dealt with in the last chapter.

Chapter VII deals with the Registration of firms and lays down the procedure for the registration of partners and firms. It is not the intention to apply Chapter VII regarding registration of firms and its incidents to the whole of the State or any part of it, except by a special notification by the Government when conditions for its extension in any part of the State are considered suitable.

Chapter VIII, the last chapter, contains supplemental provisions regarding mode of giving notice, repeals and savings.

C. SUBRAHMANYA AIYAR,

Secretary, Mysore Representative Assembly.

DRAFT BILL.

A Bill to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927.

PREAMBLE.

Whereas it is expedient to amend the Mysore Religious and charitable Institution Regulation, VII of 1927; It is hereby enacted as follows:-

SUBSTITUTION OF A NEW
SUB SECTION FOR SUB
SECTION (2) OF SECTION
38.

The following shall be substituted for sub-section (2) of section 38 of the said Regulation:-

"An appeal will lie to the Government against every order passed by the Muzrai Commissioner, provided that no such appeal shall lie to the Government from an appellate decision passed by the Muzrai Commissioner except on a point of law or usage - having the force of law".

Statement of objects & Reasons.

Under Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation VII of 1927, an appeal lies to the Government against every order passed by the Muzrai Commissioner, whereas under Section 210 (2) of the Mysore Land Revenue Code, 1888, appeals lie to the Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. This section in the said Regulation, VII of 1927, is found to lead to a number of petty appeals on facts to the Government, which in their opinion is not desirable. It is therefore proposed to amend it suitably in conformity with the provisions of Section 210 (2) of the Mysore Land Revenue Code. Such an amendment will not cause any real inconvenience to parties concerned as the

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-2-

have powers of revision under Section 39 of
the Regulation, VII of 1927.

DRAFT.

SUBJECT.....

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Section. *Sec 1*
 File No. *58-35*
 Serial No. *1*

Proceedings of the Government of
 H. H. the Maharaja of Mysore.

Diary No. of letter replied to.....

Order No. *14478 Sec 1.*

GENERAL AND REVENUE SECRETARIAT,

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, the.....191 .

Ordered that the accompanying.....

Regulation
to amend the Mysore Religious
and Charitable Institutions
Regulation, 1927

which received the assent of His High-
 ness the Maharaja, on the.....

Date of issue.....

day of.....

Signed.....

be published as Regulation No.....

of 1935, in the Mysore Gazette for gene-
 ral information.

May this be—

EL . Secretary to Government.

(i) Printed?

To

(ii) Treated as a standing order?

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(iii) Published in the "Gazette" English part?

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SC

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

64

Read:-

Order No. 14478 L. Legis 58-357.

Dated, Bangalore, the 9th January 1936.

Too

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13/1*

Ordered that the accompanying Regulation to amend the Mysore Religious and Charitable Institutions Regulation, 1927, which received the assent of His Highness the Maharaja, on the 27th day of December 1935 be published as Regulation No. VIII of 1935, in the Mysore Gazette for general information.

u
For General Secretary to Government.

SL

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and spare copies in Kannada as per standing orders. Proofs should be sent to this office for approval before publication.

115

NOTIFICATION.

*Order No. P. 4479—Legis. 58-35-1, dated Bangalore,
the 9—10th January 1936.*

Ordered that the accompanying Regulation to amend the Mysore Religious and Charitable Institutions Regulation, 1927, which received the assent of His Highness the Maharaja, on the 27th day of December 1935, be published as Regulation No. VIII of 1935, in the *Mysore Gazette*, for general information.

By Order,
M. VENKATESA IYENGAR,
*Secretary to Government,
General Department.*

REGULATION VIII OF 1935.

*(Received the assent of His Highness the Maharaja
on the 27th day of December 1935.)*

Regulation to amend the Mysore Religious and Charitable Institutions Regulation, VII of 1927.

Whereas it is expedient to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927; It is hereby enacted as follows:—

The following shall be substituted for Sub-section (2) of Section 38 of the said Regulation:—

“An appeal will lie to the Government against every order passed by the Muzrai Commissioner, provided that no such appeal shall lie to the Government from an appellate decision passed by the Muzrai Commissioner except on a point of law or usage having the force of law.”

Preamble.

Substitution
of a new sub-
section for
Sub-section (2)
of Section 38.

MIRZA M. ISMAIL,
Dewan.